

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

WILLIAM E. SMITH, )  
                        )  
                        )  
Plaintiff,            )  
                        )  
                        )  
v.                     )                   1:17CV326  
                        )  
                        )  
DAVIE COUNTY CLERK )  
OF COURTS, et al.,    )  
                        )  
                        )  
Defendants.           )

**ORDER**

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on June 14, 2017, was served on the parties in this action. (ECF Nos. 5, 8.) Plaintiff filed objections to the Magistrate Judge's Recommendation. (See ECF No. 9.) The Court has appropriately reviewed the Magistrate Judge's Recommendation and has made a *de novo* determination in accord with the Magistrate Judge's Recommendation. The Court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that this action is filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects cited in the Magistrate Judge's Recommendation. A Judgment dismissing this action will be entered contemporaneously with this Order.

This, the 6<sup>th</sup> day of July, 2017.

/s/ Loretta C. Biggs  
United States District Judge